IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 31ST OCTOBER 2007 / 9TH KARTHIKA 1929

Bail Appl..No. 6635 of 2007()

CRIME NO.97/07 OF ARALAM POLICE STATION, KANNUR

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: PETITIONERS/ACCUSED 1 & 2

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1. KUNHAMAN, S/O.KELAPPAN, AGED 59 YEARS, PALUMMY, VIYATTNAM P.O., KEEZHPALLY.

2. SABU, S/O.KUNHAMAN, AGED 35 YEARS, PALUMMY, VIYATTNAM, P.O.KEEZHPALLY.

BY ADV. SRI.C.P.PEETHAMBARAN

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
REPRESENTED BY THE STATION HOUSE OFFICER,
ARALAM POLICE STATION, KANNUR DISTRICT,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.6635 of 2007

Dated this the 31st day of October, 2007

ORDER

Application for regular bail. Petitioners are accused 1 and 2. Altogether there are 3 accused persons. They face allegations for offences punishable under Sections 306 and 324 I.P.C. A person committed suicide on 14.10.07. A suicide note was recovered. In that, the deceased had written that he was committing suicide because of certain events. The 3rd accused had falsely alleged that he had outraged her modesty. Accused 1 and 2, ie. the petitioners herein who are related to the 3rd accused on coming to know of such alleged attempt on the part of the deceased to outrage the modesty of the 3rd accused, had allegedly taken him to a task and had assaulted him. Unable to stand this trauma, he had committed suicide.

2. The learned counsel for the petitioners submits that the allegations are totally unjustified. Even if accepted in toto, the reaction of the petitioners to the alleged misconduct towards the 3rd accused cannot at all expose them to the charge/allegation of abetting suicide of the deceased.

3. The learned Public Prosecutor does not oppose the said application. I am satisfied that the petitioners do not deserve to detain in custody any longer.

4. In the result, this application is allowed. The petitioners shall be released on bail on the following terms and conditions.

i) The petitioners shall execute a bond for Rs.25,000/- (Rupees Twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioners shall make themselves available for interrogation before the I

nvestigating Officer as and when directed by the Investigating Officer in writing to do so.

(R.BASANT, JUDGE)

rtr/-